

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK L. KING,
Plaintiff,

v.

WARDEN QUIGLEY, *et al.*,
Defendants.

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:
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CIVIL ACTION NO. 18-CV-2758

FILED

AUG 24 2018

KATE BARKMAN, Clerk
By _____ Dep. Clerk


ORDER

AND NOW, this 24th day of August, 2018, upon consideration of Plaintiff Derrick L. King's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 8), his Prisoner Trust Fund Account Statement (ECF No. 9), and his *pro se* Complaint and Amended Complaint (ECF No. 2, 4), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(b).
2. King, #2016-4945, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by King, he is not assessed an initial partial filing fee. In each month when the amount in King's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official at the Berks County Jail System or at any other prison at which King may be incarcerated shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to King's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-2758.
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Berks County Jail System.

4. The Complaint and Amended Complaint are **DEEMED** filed.
5. The Complaint and Amended Complaint are **DISMISSED without prejudice** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
6. King is given leave to file a second amended complaint within thirty (30) days of the date of this Order in the event he can state a plausible claim against an appropriate defendant or defendants. Any second amended complaint shall name all defendants in the caption of the second amended complaint and should state how each defendant was responsible for violating King's rights. Any second amended complaint must be a complete document that does not rely on King's prior pleadings to state a claim. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED**.
7. The Clerk of Court is **DIRECTED** to send King a blank form complaint to be used by a prisoner filing a civil rights action bearing the civil action number for this case.
8. If King fails to file a second amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:



C. DARNELL JONES, II, J.